

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ELK GROVE UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2014010591

ORDER GRANTING PEREMPTORY
CHALLENGE AND ORDER
CONTINUING PREHEARING
CONFERENCE

On April 18, 2014, Elk Grove Unified School District (District) made a peremptory challenge prior to the commencement of the prehearing conference on this date, seeking to disqualify Administrative Law Judge (ALJ) Theresa Ravandi from hearing this case.

District's peremptory challenge is made pursuant to Government Code section 11425.40, subdivision (d), of the Administrative Procedures Act (APA), and California Code of Regulations, title 1, section 1034.

Government Code section 11425.40, subdivision (d), establishes the criteria for disqualification of the presiding officer. A party is entitled to one peremptory challenge (disqualification without cause) to an ALJ assigned to an Office of Administrative Hearings (OAH) hearing. (Cal. Code Regs., tit. 1, § 1034, subds. (a) & (b); Gov. Code, § 11425.40, subd. (d).) In no event will a peremptory challenge be allowed if it is made after the hearing has commenced. In addition, if at the time of a scheduled prehearing conference, an ALJ has been assigned to the Hearing, any challenge to the assigned ALJ shall be made no later than commencement of that prehearing conference. (Cal. Code Regs., tit. 1, § 1034, subd. (c).) A peremptory challenge is not allowed on reconsideration or remand, and cannot be made after a hearing has begun. (Cal. Code Regs., tit. 1, § 1034, subd. (a).)

Student's peremptory challenge is timely made and is granted pursuant to Government section 11425.40, subdivisions (a) and (d), and California Code of Regulations, title 1, section 1034, subdivision (c).

ORDER

1. District's challenge of ALJ Ravandi is granted.

2. The previously set PHC is continued. ALJ Adeniyi Adewale Ayoade is assigned to this matter. The PHC is continued and set for April 21, 2014, at 10:00 a.m. OAH will initiate the call.

DATE: April 18, 2014

/s/

REBECCA FREIE

Administrative Law Judge

Office of Administrative Hearings